

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES,

v.

ROBERTO SANCHEZ.

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Cr. No. C-08-191

**ORDER GRANTING MOTION TO APPOINT COUNSEL
AND GRANTING *IN FORMA PAUPERIS* STATUS ON APPEAL**

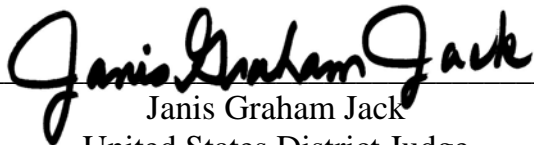
Defendant Roberto Sanchez (“Defendant”) pleaded guilty in this case on June 8, 2006 pursuant to a written plea agreement. (D.E. 29, 30.) On November 12, 2008, the Court sentenced him to 75 months in the custody of the Bureau of Prisons, to be followed by a four-year term of supervised release, and also imposed a \$100 special assessment. (D.E. 39, 40). The Court downwardly departed to a \$0 fine. Judgment was entered against him on November 17, 2008.

On November 20, 2008, the Clerk received from Defendant a *pro se* Notice of Appeal, which also includes a statement that he is unable to afford an attorney to represent him on appeal. The Court construes his motion as a request to proceed on appeal *in forma pauperis* and as a request for the appointment of appellate counsel.

Defendant previously completed a financial affidavit, which showed that he was financially unable to afford counsel. (See D.E. 3.) Based on this, as well as on the financial information contained in Defendant’s Presentence Investigation Report, the Court concludes that Defendant is financially unable to afford retained counsel on appeal. Accordingly, the Court will allow Defendant to proceed *in forma pauperis* and GRANTS his motion for appointment of counsel. (D.E.

43.) Mr. Randall Barrera, who represented Defendant at his rearraignment and sentencing, is hereby appointed to represent Defendant on appeal.

It is ORDERED this 25th day of November, 2008.



Janis Graham Jack
United States District Judge